

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

CR-19-39-GF-BMM

Plaintiff,

vs.

**AMENDED SCHEDULING
ORDER**

PASCASIO PROANO-DOMINGUEZ,

Defendant.

Following an arraignment on May 23, 2019, the following schedule shall apply. **IT IS HEREBY ORDERED** that:

1. The following schedule will govern all pretrial procedures in this case:

Bench Trial Date:	Tuesday, July 30, 2019; 9:00 a.m. Missouri River Federal Courthouse Great Falls, Montana
Final Pretrial Conference:	July 30, 2019, 8:30 a.m. Parties will report to chambers
Discovery Deadline:	May 30, 2019
Motions deadline (including motions in limine):	June 30, 2019

Plea agreement deadline
or Notice of Intent to Proceed
to Trial:

July 16, 2019

Jury instructions and
trial briefs deadline
(Each party shall indicate
in their trial brief the
number of days their case
will require):

July 23, 2019

This schedule must be strictly adhered to by the parties.

To efficiently prepare for trial within the times set above,

IT IS FURTHER ORDERED:

2. On or before the discovery deadline set above, the government shall, upon request of the attorneys for the defendants, provide to the defendant all discoverable materials specified in Federal Rule of Criminal Procedure 16(a). The government shall make specific disclosure of its intent to use any statements or confessions made by the defendant. If defendant questions the admissibility of such statement or confession, the hearing required by *Jackson v. Denno*, 378 U.S. 368 (1964), shall be held at least ten (10) days prior to trial.

3. Upon compliance by the government with the defendants' discovery request, defendants shall supply reciprocal discovery pursuant to Federal Rule of Criminal Procedure 16(b).

4. The parties are under a continuing duty of disclosure and discovery of materials set forth herein, pursuant to Federal Rule of Criminal Procedure 16(c). If

expert witnesses are engaged, the parties shall fully comply with the requirements of Rule 16(a)(1)(E) and Rule 16(b)(1)(C), respectively. **Notice of expert witness will be filed two weeks before trial.**

5. Motions: All pretrial motions, other than motions to enter a guilty plea, must be filed, along with a brief in support, on or before the motions deadline indicated above. A response brief is due on or before the response deadline indicated above. An optional reply brief may be filed within seven (7) calendar days of the filing date of the response brief. Parties not filing electronically must be served with any motion.

Suppression Motions: To facilitate hearings on suppression motions, the parties are **required** to submit supporting factual documentation with motions to suppress - *e.g.* affidavits, tapes, Miranda waiver forms, etc. Response briefs (and reply briefs, if submitted) should state **with particularity** the factual issues remaining in dispute for resolution at a suppression hearing.

6. Hearings & Oral Arguments: Parties shall provide an alphabetized index of cases expected to be referenced, with citations, to the Court Reporter immediately prior to any oral argument or trial.

7. All requests for service of subpoenas by the United States Marshal must be no later than twenty-one (21) days before trial. Except for good cause shown, service of subpoenas after said date is the responsibility of counsel. The

provision of Federal Rule of Criminal Procedure 17 must be complied with before any subpoena is issued.

8. Calling witnesses at trial: When a witness is called to testify at trial, counsel shall provide to the clerk of court **four (4) copies** of a single page document providing the following information about the witness: 1) the full name and current address of the witness; 2) whether the witness has given a statement (taped), a written statement, an interview with government agents (other than an AUSA), or grand jury testimony; 3) a brief description of the nature and substance of the witness's testimony; 4) a listing of each exhibit to which the witness may refer during direct examination. See Form J, Local Rules Appendix.

9. Any petition for a writ of habeas corpus for testimony or prosecution, along with a proposed order, must be filed no later than twenty-one (21) days prior to the trial date.

10. The United States shall submit a trial brief when it submits jury instructions. Defendant may submit a trial brief. All trial briefs shall include legal authority for the party's position on all legal and evidentiary issues. **All trial briefs must be filed with the Clerk of Court and served on the other parties.**

11. Plea agreements shall state clearly whether they are made pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B) or 11(c)(1)(C).

12. Exhibit Lists, Exhibits and Witness Lists: The United States shall

use exhibit numbers 1-499 and defendants shall use 500 and up. In no event shall two or more parties use identical exhibit numbers. The United States shall prepare and submit their Exhibits, along with exhibit lists bound in a loose leaf binder with extended tabs to the Court three working days prior to the trial date set in paragraph 1 if the exhibits are more than 20 pages. If the exhibits are less than 20 pages, the United States will e-mail the exhibit list and exhibits to sara_luoma@mtd.uscourts.gov. The parties's witness lists are due to the Court four working days prior to the trial date set in paragraph 1. The parties can e-mail the witness lists to sara_luoma@mtd.uscourts.gov.

13. Failure to comply with any of the above requirements may subject the non-complying party and/or its attorneys to sanctions.

DATED this 30th day of May, 2019.



Brian Morris
United States District Court Judge